

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-938

June 22, 2004

NEW ENGLAND FIBER
COMMUNICATIONS LLC D/B/A
BROOKS FIBER
Request to Abandon Service

ORDER GRANTING
REQUEST TO ABANDON
SERVICE

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

On November 12, 2003, New England Fiber Communications LLC d/b/a Brooks Fiber (Brooks) filed a request to abandon service pursuant to 35-A M.R.S.A. § 1104(1). Brooks was authorized to provide interexchange service in Docket No. 97-331. In support of its request, Brooks states that, pursuant to a Plan of Reorganization approved by the Bankruptcy Court in the Southern District of New York, Brooks will merge into MCImetro Access Transmission Services LLC (MCImetro), which is an affiliated company, and that MCImetro will provide service to Brooks's current customers. On May 11, 2004, in Docket No. 2004-355, MCImetro filed proposed rate schedules and terms and conditions (as PUC Tariffs Nos. 3 and 4) that will continue in effect Brooks's current rates for the customers who will be transferred from Brooks to MCImetro. These rate schedules were approved on June 3, 2004. Brooks and MCImetro state that Brooks customers have received prior notice of the transfer that complies with the requirements of 47 C.F.R. § 64.1120(e) and have provided a sample of that notice.¹

Wherefore, we APPROVE the request of New England Fiber Communications LLC d/b/a Brooks Fiber to abandon service, effective on the date of this Order.

Dated at Augusta, Maine this 22nd day of June, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

¹ A carrier that acquires customers from a transferring carrier in compliance with the requirements of 47 C.F.R. § 64.1120(e) will not be in violation of the unauthorized change of carrier ("slamming") provisions of 35-A M.R.S.A. § 7106 and Chapter 296 of the Commission's Rules.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.